

ZONING BOARD OF APPEALS

The hearing on Tuesday, February 13, 2024, is called to order by Chairman Kalinowski at 7:00 pm.

Members present:	Robert Schafer, Alternate	Also: Phyllis Todoro, Town Atty
	Shawn Pralow	Ray Balcerzak, Building Insp.
	Greg Kalinowski	
	Ron Carey	
	Jim Lembke	Absent: Harry Kwiek
		John Jimenez

Appeals Case #1446 for Joseph Dusza of 311 Jamison Rd, Elma, NY who is requesting an area variance to build a 40 x 64 pole barn with less than the required front set back §144-99. C6, Residential C.

Mr. Dusza's 22x20 garage is there now and there is a need for more space to store belongings.

Mr. Lembke asked if there was any way to move the building back and the reply was that the septic system is in the back. Mr. Lembke asked what is being stored in the new pole barn and Mr. Dusza answered that it would just be cars, lawn mower, and patio set. Mr. Carey asked if the overhang could be removed to allow the pole barn to fit and his reply was no, that there was not enough space and that the garage would be coming down. Mr. Carey asked if there is an upstairs and there is not, it was just a false gable.

Mr. Kalinowski stated the fact that the survey was from 03/2012 and that the tax survey shows different figures than the survey submitted.

Mr. Diesza asked his neighbor if trees could come down and the neighbor advised that would not be a problem. The distance on the east side of the property would be 5 feet instead of 10 feet. Mr. Pralow asked if he uses the garage, and he does. Mr. Pralow stated the new garage is 6 times larger than the existing garage. Mr. Carey asked if the 5 feet is being dropped and it is, the distance will be 10 feet.

In favor: Jason Staples 341 Jamison Road Against: no one

Mr. Pralow made the motion to approve Appeals Case #1446 for Joseph Dusza of 311 Jamison Rd, Elma, NY who is requesting an area variance to build a 40 x 64 pole barn with less than the required front set back §144-99. C6, Residential C based on the following criteria:

- 1) An undesirable change would not be known.
- 2) The benefit could not be achieved another way.
- 3) The request is not substantial
- 4) The request would not have an adverse physical or environmental effect.
- 5) The alleged difficulty is not self-created.

Seconded by Mr. Carey Ayes-5. Nays-0.

Appeals Case #1447 for Sara Mochie of 1821 Jamison Rd, Elma, NY who is requesting an area variance to maintain the existing three storage sheds with no residence on the site of §144-133, Residential C.

Ms. Mochie was present and explained she inherited the property. The barn was taken down, the sheds were put up for lawn equipment. The new sheds house the lawnmowers to mow that property.

Mr. kalinowski asked if the house is being torn down and mentioned the issues that the town has with the house. The house will be taken down by a contractor. Mr. Lembke asked about the electrical being moved to one of the sheds and was informed that the contractor is going to do the work in March/April. Mr. Lembke asked how many they planned to keep and all three are going to stay. Mr. Carey asked how close the shed is in the front and it is very close and that the size would be 6 x 8. Mr. Carey asked if the shed could be moved, and she was not sure. Mr. Crey also asked when the last time the house was used was, and her reply was three years ago.

Sara said they are trying to do their part to maintain the property. Mr. Kalinowski said it did not seem like anything was done to maintain the property. Ms. Todoro, the town attorney commented that she had to go to court to get squatters out of the house.

Mr. Pralow stated that since the shed was there from so long ago, she just assumed it could stay with no issues. Mr. Schafer asked what the intentions of the property are and that maybe her son might build on the property when he gets older. Mr. Pralow asked if it was possible to trailer a mower there and she replied that her property is not that large for a riding mower. Mr. Kalinowski stated it is self-created by the family.

No one spoke in favor. Against the variance was Jerry Barry of 80 Creek Road and John Rosten.

Mr. Lembke made the motion to deny Appeals Case #1447 for Sara Mochie of 1821 Jamison Rd, Elma, NY who is requesting an area variance to maintain the existing three storage sheds with no residence on the site of §144-133, Residential C based on the following criteria:

- 1) An undesirable change would be known.
- 2) The benefit could be achieved another way by hauling the equipment on a trailer.
- 3) The request is substantial
- 4) The request would have an adverse physical or environmental effect.
- 5) The alleged difficulty is self-created.

Seconded by Mr. Schafer Ayes-4. Nays-1 (Mr. Pralow)

Appeals Case #1448 for Leslie Clark of 820 North Star Road, Elma, NY who is requesting an area variance to build a new house with an existing house on the site of §144-58 A1, Residential C.

Leslie Clark and her brother John were present. The cost to rebuild the house would not be cost-effective. There is a contract, but it is contingent on the meeting. The barn was taken down where the new house would be built. The house would come down after the new house is built. The pool will be demolished and filled in when the new basement is done. They will be doing the demolishing of everything and someone else will be building the new house.

Mr. Carey said if a variance is given, there would be a time frame to take everything down. Joe has spoken with the builder. Mr. Pralow asked if he has the neighboring property, and he does. Mr. Schafer asked about everything being demolished and a time frame for the remainder of the stuff coming down.

No one spoke in favor or against the variance.

Mr. Schafer made the motion to approve Appeals Case #1448 for Leslie Clark of 820 North Star Road, Elma, NY who is requesting an area variance to build a new house with an existing house on the site of §144-58 A1, Residential C based on the following criteria:

- 1) An undesirable change would not be known.
- 2) The benefit could not be achieved another way.
- 3) The request is not substantial
- 4) The request would not have an adverse physical or environmental effect.
- 5) The alleged difficulty is not self-created.

Seconded by Mr. Pralow Ayes-5. Nays-0.

Motion to approve the minutes made by Mr. Carey and seconded by Mr. Schafer.

Motion to adjourn by Mr. Lembke and seconded by Mr. Pralow. All in favor.

Respectfully submitted,

Kerry Galuski
Zoning Board Secretary